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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.            | CONFIRMATION NO.       |
|--|-------------|----------------------|--------------------------------|------------------------|
| 10/717,667   | 11/21/2003  | Andreas Kaszkin      | Q78536                         | 9058                   |
| 23373 7590 02/06/2008<br>SUGHRUE MION, PLLC<br>2100 PENNSYLVANIA AVENUE, N.W.<br>SUITE 800<br>WASHINGTON, DC 20037 |             |                      | EXAMINER<br>TRUONG, THANHNGA B |                        |
|  |             |                      | ART UNIT<br>2135               | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>02/06/2008        | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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|                              |                                       |                                       |  |
|------------------------------|---------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/717,667  | <b>Applicant(s)</b><br>KASZKIN ET AL. |  |
|                              | <b>Examiner</b><br>Thanhnga B. Truong | <b>Art Unit</b><br>2135               |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/5/04;12/29/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to the communication filed on November 21, 2003. Claims 1-12 are pending. At this time, claims 1-12 are rejected.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) filed on May 5, 2004 and December 29, 2005 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al (US 6,507,856 B1).

a. *Referring to claim 1:*

i. Chen teaches a process automation system, comprising:

(1) process devices that execute predetermined functions as part of the process automation and thereby exchange data that are relevant to at least one of the functions and the devices within the process automation system, wherein some but less than all of the data are exchanged in encrypted form (**see Chen's abstract, Figures 5 and 6; column 3, lines 35-49; and column 4, lines 57-58 of Chen**).

b. *Referring to claim 2:*

i. Chen further teaches:

(1) wherein at least some of the data are exchanged in encrypted form and, in parallel, in unencrypted form (**column 3, lines 35-49 of Chen**).

c. Referring to claims 3-4:

i. Chen further teaches:

(1) wherein the encrypted data is exchanged with a lower priority in comparison with the unencrypted data (**column 3, lines 35-49; and column 4, lines 57-58 of Chen**).

d. Referring to claim 5:

i. Chen further teaches:

(1) wherein the process devices comprise memories that collect the encrypted data before the data are exchanged (**column 5, lines 35-50 of Chen**).

e. Referring to claim 7:

i. Chen teaches a process device for a process automation system, comprising:

(1) a function device executing predetermined functions as part of process automation; and a communication device connected to the function device and configured to connect into a process automation system for exchange of data, within the process automation system, that relate to at least one of a function and a device; wherein the communication device comprises means for performing the exchange of some but less than all of the data in encrypted form (**see Chen's abstract, Figures 5 and 6; column 3, lines 35-49; and column 4, lines 57-58 of Chen**).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US 6,507,856 B1), and further in view of Fiszman (US 6,115,646).

a. Referring to claim 6:

i. Although Chen teaches the claimed subject matter and the encoding process, Chen is silent on the capability of showing how the encoding process related to the authentication process. On the other hand, Fiszman teaches:

(1) further comprising a central key administration that registers public encryption keys of the process devices and authenticates the public encryption keys with a private encryption key of the central key administration (**column 8, lines 34-40 and column 19, lines 54-59 of Fiszman**).

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Chen with the teaching of Fiszman for providing a process automation system for controlling the execution of processes on a plurality of processing nodes each having processing agents associated therewith (**column 3, lines 11-14 of Fiszman**).

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Chen with the teaching of Fiszman for dynamically exchanging and merging documents (**column 1, lines 31-32 of Chen**).

b. Referring to claim 8:

i. Chen teaches a method for a process automation system having a plurality of process devices, comprising:

(1) generating transmission data in one of the process devices; encrypting at least some but less than all of the transmission data to produce

encrypted transmission data and unencrypted transmission data (**see Chen's abstract, Figures 5 and 6; column 3, lines 35-49; and column 4, lines 57-58 of Chen**);

(2) receiving the encrypted transmission data and the unencrypted transmission data in another of the process devices; decrypting the encrypted transmission data in the other process device (**see Figures 5 and 6; column 1, lines 35-65 of Chen**).

i. Although Chen teaches the claimed subject matter and the encoding process, Chen is silent on the capability of showing how the encoding process related to the authentication/encryption process. On the other hand, Fiszman teaches this limitation in (**column 8, lines 34-40 and column 19, lines 54-59 of Fiszman**).

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Chen with the teaching of Fiszman for providing a process automation system for controlling the execution of processes on a plurality of processing nodes each having processing agents associated therewith (**column 3, lines 11-14 of Fiszman**).

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Chen with the teaching of Fiszman for dynamically exchanging and merging documents (**column 1, lines 31-32 of Chen**).

c. Referring to claim 9:

i. Chen further teaches:

(1) storing the at least some transmission data in order to prioritize the unencrypted transmission data (**column 2, lines 29-42 of Chen**).

d. Referring to claims 10-12:

i. These claims have limitations that are similar to those of claim 6, thus they are rejected with the same rationale applied against claim 6 above.

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Simon (US 7,013,185 B2) discloses Field device for automation system (see Title).

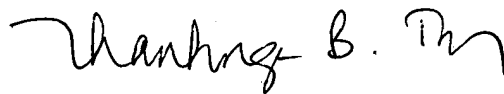
b. Lee et al (US 6,473,664 B1 discloses Manufacturing process automation system using a file server and its control method (see Title).

c. Baker et al (US 6,826,432 B2) discloses Process for programming an automation application (see Title).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.



TBT

February 3, 2007

THANHNGA TRUONG  
PRIMARY EXAMINER